

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Matthew F. Kennelly	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 616	DATE	February 21, 2008
CASE TITLE	U.S. ex rel. Joseph Max (N-21823) v. Kevin Gilson		

DOCKET ENTRY TEXT:

Petitioner Joseph Max has filed a petition for habeas corpus relief under 28 U.S.C. § 2254 and has paid the \$5 filing fee. [4] His motion to proceed *in forma pauperis* [3] is denied as moot. The respondent is ordered to answer the petition or otherwise plead within 30 days of the date of this order. On the court's own motion, Illinois Attorney General Lisa Madigan is dismissed as a party.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner Joseph Max (N-21823), currently in custody at Illinois River Correctional Center, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 1982 conviction for murder. Petitioner has paid the statutory filing fee. Respondent is ordered to answer the petition or otherwise plead within 30 days of the date of this order.

On the court's own motion, Illinois Attorney General Lisa Madigan is dismissed as a party. A state's attorney general is a proper party in a habeas petition only if the petitioner is not then confined, which does not apply in this case. *See Hogan v. Hanks*, 97 F.3d 189, 190 (7th Cir. 1996); Rule 2(a) and (b) of the Rules Governing Section 2254 Cases.

Petitioner is instructed to file all future papers concerning this action with the Clerk of Court in care of the Prisoner Correspondent. Petitioner must provide the court with the original plus a judge's copy (including a complete copy of any exhibits) of every document filed. In addition, Petitioner must send an exact copy of any court filing to the Chief, Criminal Appeals Division, Attorney General's Office, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601. Every document filed by Petitioner must include a certificate of service stating to whom exact copies were sent and the date of mailing. Any paper that is sent directly to the judge or that otherwise fails to comply with these instructions may be disregarded by the court or returned to Petitioner.

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